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Docket No. 2024730-7032312001 (03-118)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	Group Art Unit: 3764
Lex P. Jansen et al	Confirmation No.: 3194
Serial No.: 10/623,381	) Examiner: Not-Yet-Assigned
<b>Filed:</b> July 18, 2003	)
For: BIOCOMPATIBLE WIRES AND	)
METHODS OF USING SAME TO FILL	)
BONE VOID	<i>)</i>

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR § 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. Copies of US Patents and US Patent Publications are not enclosed, pursuant to the US Patent & Trademark Office waiver of this requirement under 37 CFR § 1.98 (a)(2)(i) for patent applications filed after June 30, 2003. Copies of other cited references are enclosed.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

CERTIFICATE OF MAILING (37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposit with the Unites States Postal Services on the date shown below with sufficient postage as "First Class Mail" to addressee in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313-1450

Tober 26, 2004

Signature of Person depositing Paper

Maritza D. Kidd

## Information Disclosure Statement Filing Provision:

filed ur 1.491;	three monder § 1. or (3) be	OS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) on the filing date of the application, which is not a continued prosecution application 0.53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR § defore the mailing of a first Office action on the merits; or (4) before the mailing of a first office filing a request for continued examination under § 1.114. Thus, no fee is required.	
		However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit account referenced below.	
		However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.	
on the 1	merits, b	OS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action out before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR	
		The fee due under 37 CFR § 1.17(p) is submitted herewith.	
		A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.	
-	or a No	es is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR stice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A r 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted	
		STATEMENT UNDER 37 CFR § 1.97(e):	
$\boxtimes$	Each ite	em contained in this IDS was first cited in any communication from a foreign patent office	
in a cou	ınterparı	t foreign application not more than three months prior to the filing of this IDS.	
	No item contained in this IDS was cited in a communication from a foreign patent office in a		
counter	part for	eign application, and, to the knowledge of the person signing this statement after making	
reasona	ıble inqu	niry, no item of information contained in this IDS was known to any individual designated	
in 37 C	FR § 1.5	56(c) more than three months prior to the filing of this IDS.	

	PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:				
	A check in the amount of is enclosed for the above fee(s).				
	Please charge to Deposit Account No. 50-2518 for the above fee(s).				
$\boxtimes$	Although applicant believes no fee is required, the Commissioner is authorized to charge any fees				
	required by the filing of these papers, and to credit any overpayment to Bingham McCutchen's				
	Deposit Account No. 50-2518.				
	Respectfully submitted,				
	BINGHAM McCUTCHEN LLP				
Dated	David T. Burse				
	Reg. No. 37,104				

BINGHAM McCUTCHEN LLP Three Embarcadero, Suite 1800 San Francisco, CA 94111-4067 (650) 849-4400

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Sheet

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

of

Complete if Known				
Application Number	10/623,381			
Filing Date	July 18, 2003			
First Named Inventor	Laex P. Jansen, et al			
Group Art Unit	3764			
Examiner Name	Not-Yet-Assigned			
Attorney Docket Number	30-7032312001 (03-118)			

U.S. PATENT DOCUMENTS					
		U.S. Patent Docume	Name of Patentee or Applicant	Date of Publication of	Pages, Columns, Lines, Where Relevant
Examiner Initials *	Cite No. <sup>1</sup>	Number Kind Cod	de <sup>2</sup> of Cited Document	Cited Document MM-DD-YYYY	Passages or Relevant Figures Appear
	1.	4,365,357	Draenert	12-28-1982	· · ·
	2.	4,532,660	Field	08-06-1985	1
	3.	6,143,036	Comfort	11-07-2000	

OTHER DOCUMENTS NON PATENT LITERATURE				
Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T²		
	4.	PCT International Search Report for PCT/US2004/015851, Applicant: Scimed Life Systems, Inc, Forms PCT/ISA/210 and 220, dated October 13, 2004 (7 pages)		
	5.	PCT Written Opinion of the International Search Authority for PCT/US2004/015851,, Applicant: Scimed Life Systems, Inc, Form PCT/ISA/237, dated October 13, 2004 (6 pages)		

Examiner Signature	Date Considered	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Alexandria, VA 22313-1450.



<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark hee if English language Translation is attached.